

07-19-04

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Express Mail No. ER 893 270 849 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: MANNING et al. Confirmation No.: 6909
Serial No.: 10/665,715 Art Unit: To be assigned
Filed: September 19, 2003 Examiner: To be assigned
For: COMPOSITIONS AND Attorney Docket No.: 10624-142-999
METHODS FOR MODULATING (CAM:) (700755-999141)
ACTIVATION OF NF-κB

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:
 - 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
 - 1b. A legible copy of :
 - ☒ Each U.S. patent application publication and U.S. and foreign patent;
 - ☐ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☐ all other information or portion which caused it to be listed on the PTO-1449.
 - 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
 - 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
 - 1e. ☒ The Examiner's attention is directed to the Information Disclosure Statement and the references cited therein, filed on October 25, 1998, and Supplemental Information Disclosure Statement and the references cited therein, filed October 19, 2000, in related application no. 09/210,060, filed December 10,

1998, now abandoned, continued as application no. 09/832,161, filed April 9, 2001, and issued as United States Patent No. 6,656,713.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☒ Before the mailing of the first Office action on the merits;
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
 - ☐ to be charged to Jones Day Deposit Account No. 50-3013.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The Certification Statement in Item 5 below is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☐ to be charged to Jones Day Deposit Account No. 50-3013

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

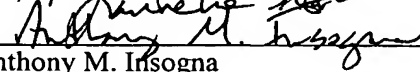
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☒ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).
- (Check appropriate Items 6a, 6b and/or 6c)*
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☒ Copies of publications listed on Form PTO-1449 from prior application Serial No. 09/832,161, filed on April 9, 2001, of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☒ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. 09/832,161, filed on April 9, 2001, and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)*
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.

10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Date: July 16, 2004

Respectfully submitted,

By:



Anthony M. Insogna

JONES DAY

222 East 41st Street

New York, New York 10017

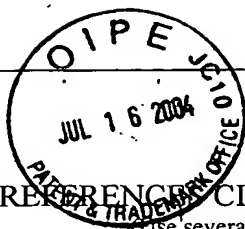
(212) 326-3939

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49,020

35,203

(Reg. No.)



LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

 ATTY DOCKET NO.
 10624-142-999
 (CAM: 700755-999141)

APPLICATION NO

10/665,715

 APPLICANT
 MANNING et al.

CONFIRMATION NO

6909

 FILING DATE
 September 19, 2003

 GROUP
 To be assigned

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	5126324	06/30/1992	Clark			
	A2	5597898	01/28/1997	Ghosh			
	A3	5849580	12/15/1998	Ghosh			
	A4	5851812	12/22/1998	Goeddel			
	A5	5916760	06/29/1999	Goeddel			
	A6	5939302	08/17/1999	Goeddel			
	A7	6235492	05/22/2001	Rothe			
	A8	6235512	05/22/2002	Rothe			
	A9	6235513	05/22/2001	Rothe			
	A10	6242253	06/05/2001	Karin			
	A11	6410516	06/25/2002	Baltimore			
	A12	6479266	11/12/2002	Rothe			
	A13	6649654	11/18/2003	Karin			
	A14	5972674	10/26/1999	Mercurio			
	A15	6258579	07/10/2001	Mercurio			
	A16	6576437	06/10/2003	Mercurio			
	A17	6656713	12/02/2003	Manning			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B1							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

C1	Margottin, GenBank Accession No. Y14153 (1997)
C2	Ohara, EMBL Accession No. AB014596 (1998)

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.